

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	)	
	)	
vs.	)	Case No. 08-00014-01-CR-W-FJG
	)	
Sergio Daher-Rey,	)	
	)	
	)	

**ORDER**

Pending before the Court is the issue of defendant's mental competency. On June 9, 2008, defendant moved for a judicial determination of mental competency (Doc No. 23). A forensic evaluation was submitted to this Court by Jason Dana, Psy.D., who found defendant not competent at the present time, but found that there is a substantial probability that he could attain competency in the foreseeable future if he is committed for treatment. Magistrate Judge Robert E. Larsen held a hearing to determine defendant's mental competency on October 29, 2008, at which time the parties stipulated to the forensic evaluation of Dr. Dana.

Magistrate Judge Larsen issued a report and recommendation (Doc. No. 30), filed October 30, 2008, finding defendant not competent to stand trial and assist in his defense. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is incompetent to stand trial and to assist in his defense. It is further ordered that defendant is committed to the custody of the Attorney General for appropriate action as required by law.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 12/30/08  
Kansas City, Missouri